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10	UNITED STATES	S DISTRICT COURT
11	NORTHERN DISTRICT OF CA	LIFORNIA, SAN JOSE DIVISION
12		
13	IN RE: HIGH-TECH EMPLOYEE	Master Docket No. 11-CV-2509-LHK
14	ANTITRUST LITIGATION	EVHIDIT A TO DECL ADATION OF
15	THIS DOCUMENT RELATES TO:	EXHIBIT 4 TO DECLARATION OF CHRISTINA BROWN IN SUPPORT
16 17	ALL ACTIONS	OF DEFENDANTS' OPPOSITION TO PLAINTIFFS' SUPPLEMENTAL MOTION FOR CLASS CERTIFICATION
18		CERTIFICATION
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1	UNITED STATES DISTRICT COURT
2	NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION
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5	IN RE: HIGH-TECH EMPLOYEE)
6	ANTITRUST LITIGATION) No. 11-CV-2509-LHK
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10	HIGHLY CONFIDENTIAL - ATTORNEYS EYES ONLY
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13	VIDEOTAPED DEPOSITION OF MICHAEL DEVINE
14	San Francisco, California
15	Wednesday, October 24, 2012
16	Volume I
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19	
20	Reported by:
21	ASHLEY SOEVYN
22	CSR No. 12019
23	JOB No. 1545479
24	
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1	A. Again, that's a specific number, but that	16:22:55
2	sounds correct, yeah.	16:22:59
3	Q. Do you have any knowledge, Mr. Devine, of	16:23:04
4	what basis Adobe decided whether to give a raise to	16:23:08
5	a particular employee?	16:23:18
6	A. I sort of believe there were across the	16:23:21
7	board things based on how well the company did.	16:23:23
8	Maybe there were components to it too, I don't	16:23:31
9	know.	16:23:33
10	Q. Do you recall going through a focal	16:23:34
11	review?	16:23:41
12	A. No, I don't know what that is.	16:23:46
13	Q. Do you recall being told that your	16:23:47
14	compensation may be adjusted based on your focal	16:23:54
15	review following your performance appraisal?	16:24:00
16	A. If focal review means just a normal review	16:24:03
17	process where a manager says what they think of your	16:24:06
18	work, and then I vaguely remember you can also write	16:24:10
19	back and comment on that. If that's what the focal	16:24:13
20	review is, I specifically recall that that was tied	16:24:17
21	to raises, but I sort of presume that if there was	16:24:23
22	manager leeway in the raises, that all of those kind	16:24:29
23	of factors would be in it.	16:24:32
24	Q. But you don't know specifically how Adobe	16:24:34
25	determines whether or not salaries would be	16:24:39
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1	increased or decreased year to year for a particular	16:24:43
2	employee?	16:24:47
3	A. No.	16:24:47
4	Q. Did you attempt to get any salary increases	16:24:55
5	or raises while you were at Adobe?	16:25:00
6	A. I don't think I did. I don't recall, but	16:25:06
7	would lean toward "no" on that one.	16:25:08
8	Q. Do you recall ever asking Adobe to make a	16:25:11
9	counter offer to an offer you received from a	16:25:13
10	potential employer?	16:25:26
11	A. No.	16:25:34
12	Q. Do you recall any discussions that you had	16:25:35
13	with co-workers about their compensation?	16:25:37
14	A. No.	16:25:39
15	Q. Do you know what other members of your team	16:25:40
16	were making?	16:25:42
17	A. No.	16:25:43
18	Q. Do you know what any other employees at	16:25:44
19	Adobe were making?	16:25:47
20	A. No.	16:25:49
21	Q. Were you aware of any co-workers at Adobe	16:26:09
22	that attempted to negotiate a salary increase?	16:26:13
23	A. No.	16:26:17
24	Q. While at Adobe, you continued to look for	16:26:38
25	jobs?	16:26:43
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1	A. On occasion I did look for jobs while	16:26:46
2	working at Adobe, yes.	16:26:48
3	Q. You used the same sources that we described	16:26:52
3		
4	earlier for searching for job opportunities?	16:26:55
5	A. Not sure that I did or to what extent or	16:27:02
6	if quite honestly.	16:27:07
7	Q. Did you use Monster.com?	16:27:09
8	A. I just don't recall which ones during that	16:27:11
9	period I would've used or not used.	16:27:12
10	Q. Do you recall receiving cold calls while	16:27:20
11	you were working for Adobe?	16:27:22
12	A. I don't recall specific cold calls, but	16:27:36
13	again, if in fact my resume was up on any of those	16:27:40
14	sites, I would have received cold calls and/or spam	16:27:44
15	calls. Also, I may have received calls from people	16:27:51
16	who had previously had my resume or companies that	16:27:54
17	in some way knew about me, but I can't specifically	16:28:00
18	recall cold calls during that period.	16:28:05
19	Again, maybe documents or resources that we	16:28:11
20	can turn to to refresh my memory, so	16:28:18
21	Q. Have you ever applied for a job at	16:28:21
22	Lucasfilm?	16:28:24
23	A. I don't recall, specifically. I think I	16:28:26
24	probably applied to one of Lucasfilm or Pixar, but I	16:28:31
25	don't remember specifically if I did.	16:28:38
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1	I declare under penalty of perjury under the
2	laws of the State of California that the foregoing
3	is true and correct.
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5	Executed on, 2012,
6	at
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12	MICHAEL DEVINE
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1	STATE OF CALIFORNIA) ss:
2	COUNTY OF MARIN)
3	
4	I, ASHLEY SOEVYN, CSR No. 12019, do hereby
5	certify:
6	That the foregoing deposition testimony was
7	taken before me at the time and place therein set
8	forth and at which time the witness was administered
9	the oath;
10	That the testimony of the witness and all
11	objections made by counsel at the time of the
12	examination were recorded stenographically by me,
13	and were thereafter transcribed under my direction
14	and supervision, and that the foregoing pages
15	contain a full, true and accurate record of all
16	proceedings and testimony to the best of my skill
17	and ability.
18	I further certify that I am neither counsel for
19	any party to said action, nor am I related to any
20	party to said action, nor am I in any way interested
21	in the outcome thereof.
	IN THE WITNESS WHEREOF, I have transcribed my
22	name this 31st day of October, 2012.
23	
24	
25	ASHLEY SOEVYN, CSR No. 12019
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